

10/550547

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 10 MAY 2005

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Applicant's or agent's file reference GL219045-142	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/NZ2004/000086	International filing date (day/month/year) 7 May 2004	Priority date (day/month/year) 16 May 2003
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ G01N 35/08, 1/38		
Applicant GLOBAL TECHNOLOGIES (NZ) LTD et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☒ (sent to the applicant and to the International Bureau) a total of 4 sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

Date of submission of the demand 30 November 2004	Date of completion of the report 21 April 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer MICHAEL HALL Telephone No. (02) 6283 2474

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/NZ2004/000086

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3 and 23.1 (b))

☐ publication of the international application (under Rule 12.4)

☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished.

☒ the description:

pages 1-3, 6-17 as originally filed/furnished

pages* 4-5 received by this Authority on 25 February 2005 with the letter of 25 February 2005

pages* received by this Authority on with the letter of

☒ the claims:

pages 20-23 as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* 18-19 received by this Authority on 25 February 2005 with the letter of 25 February 2005

pages* received by this Authority on with the letter of

☒ the drawings:

pages 1-2 as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/NZ2004/000086

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-34	YES
	Claims	NO
Inventive step (IS)	Claims 1-34	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-34	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Citations

D1 : US 5192504

NOVELTY (N) AND INVENTIVE STEP (IS)

D1 represents the closest prior art, and teaches, referring to Figure 8 thereof, method and apparatus for processing samples where a sample and reagents are introduced at predetermined times, quantities and velocities into an inlet 24 of a chamber containing an immiscible isolation fluid 72, mix at predetermined location 74 to form a processed sample, and where the processed sample proceeds to outlet 28 for further processing 150 and analysis 152 (see also columns 7-8, 11-14 and Figures 1-2 of D1).

However, no obvious combination of the prior art further teaches or suggests a method and apparatus such that the sample and reagent are introduced as discrete bodies immersed within and moving within a suspension fluid as per claim 1. Hence this claim, and consequently claims 2-34, are novel and inventive over the prior art.

INDUSTRIAL APPLICABILITY (IA)

The subject matter of the claims is applicable to automated analysis systems.